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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Parlos et al.
Application No. 09/293,536
Filed: April 15, 1999
Attorney Docket No. ORAS1100-1

DECISION GRANTING PETITION

This is a decision on the Petition filed July 6, 1999, requesting that the above-identified application be accorded a filing date of April 15, 1999.

On April 15, 1999, the application was deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10. The filing included an unexecuted declaration.

On April 19, 1999, Initial Patent Examination Division mailed a Notice of Incomplete Application stating that a filing date had not been assigned to the application because pages 260-299 of the specification were missing and that filing date of the application would be the date of receipt of the missing pages of the specification.

In response on July 7, 1999, the present petition, including authorization to charge counsel's deposit account for the requisite petition fee, was filed. Petitioners argue that the specification was complete because the pages were not omitted but were inadvertently misnumbered. Petitioners request that the application be accorded a filing date of April 15, 1999.

A review of the record reveals that pages numbered 260-299 and 783 have not been located in the application file. However, the language of the specification is consistent with petitioners' assertion that no pages have been omitted, only that the pages were inadvertently misnumbered. Accordingly, the evidence is convincing that the application was complete on filing, although it contained misnumbered pages, and is entitled to a filing date of April 15, 1999.

In view of the above, the petition is granted.

The Notice mailed April 19, 1999 is hereby vacated.

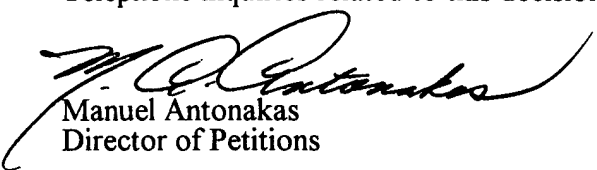
Petitioners should amend the specification to renumber the pages consecutively and such amendment should be submitted prior to the first Office action to avoid delays in the prosecution of the application. See MPEP 601.01(d).

A further review of the record reveals that the application still does not include an oath or declaration in compliance with 37 CFR 1.63. Therefore, an oath or declaration in compliance with 36 CFR 1.63, identifying the specification to which it is directed (preferably by reference to the above-identified Application Number and filing date) is required. The surcharge under 35 CFR 1.16(e) is also required.

Applicants are given ONE MONTH from the date of this decision to file the oath or declaration and the surcharge required above in order to avoid abandonment of the application. This time period may be extended pursuant to 37 CFR 1.136 (a). The response should be directed to the attention of the Office of Initial Patent Examination.

This application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 15, 1999, and to await the filing of the oath or declaration, and surcharge filed in response to the decision.

Telephone inquiries related to this decision should be directed to Kery Fries at (703) 308-0687.



Manuel Antonakas
Director of Petitions

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